

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANKIE LIPSETT, :
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Plaintiff, : 22-CV-0811 (JMF)
:
-v- :
:
POPULAR, INC., :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

On April 4, 2022, Defendant filed a motion to compel arbitration of Plaintiff's claims. *See* ECF No. 12. On the same day, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* ECF No. 14. Defendant notes that the latter is "made subject to, and without waiving, Popular, Inc.'s recently-filed Motion to Compel Arbitration" and that "[t]he Court should compel arbitration of this entire case without reaching this Motion to Dismiss, which should be reserved for the arbitrator." *Id.* at 2 n.1.

In light of the foregoing, and to avoid any confusion, Defendant's motion to dismiss is denied without prejudice to renewal in the event that the Court denies its motion to compel arbitration. Any new motion to dismiss shall be filed within one week of the Court's ruling on the motion to compel arbitration; Defendant's answer deadline is hereby extended to that date.

Plaintiff is directed to file any opposition to the motion to compel arbitration by **April 18, 2022**. Defendant's reply, if any, is due **April 25, 2022**.

Finally, it is further ordered that the initial pretrial conference previously scheduled for May 2, 2022, is adjourned *sine die*.

The Clerk of Court is directed to terminate Docket No. 14.

SO ORDERED.

Dated: April 5, 2022
New York, New York



JESSE M. FURMAN
United States District Judge